

The Hon. Robert S. Lasnik

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL D. MACKAY,

Defendant.

NO. CR23-102-RSL

ORDER OF FORFEITURE

THIS MATTER comes before the Court on the United States' Motion for an Order of Forfeiture forfeiting, to the United States, Defendant Michael D. Mackay's interest in a sum of money (also known as a forfeiture money judgment) in the amount of \$4,731.34, representing unrecovered proceeds Defendant Mackay obtained from his commission of Bank Fraud, in violation of 18 U.S.C. § 1344.

The Court, having reviewed the United States' Motion, as well as the other papers and pleadings filed in this matter, hereby FINDS entry of an Order of Forfeiture is appropriate because:

- The proceeds of Bank Fraud, in violation of 18 U.S.C. § 1344, are forfeitable pursuant to 18 U.S.C. § 982(a)(2);

- 1 • In the Plea Agreement he entered on March 26, 2024, Defendant agreed to
- 2 forfeit a sum of money representing the unrecovered proceeds he obtained
- 3 from his commission of Bank Fraud, pursuant to 18 U.S.C. 982(a)(2).
- 4 Dkt. No. 28 ¶ 14.
- 5 • Defendant obtained proceeds of approximately \$142,383.73 from his
- 6 commission of Bank Fraud. *Id.*, ¶¶ 8e-g, 8j-k.
- 7 • The United States seized approximately \$142,383.73 of these fraud
- 8 proceeds (*Id.*, ¶¶ 8, 14).
- 9 • Defendant obtained approximately \$4,731.34 of fraud proceeds, which
- 10 have not been seized and are forfeitable.
- 11 • The forfeiture of this sum of money is personal to Defendant Mackay and,
- 12 pursuant to Federal Rule of Criminal Procedure (“Fed. R. Crim. P.”)
- 13 32.2(c)(1), no third-party ancillary process is required before forfeiting it.
- 14

15 NOW, THEREFORE, THE COURT ORDERS:

- 16 1. Pursuant to 18 U.S.C. §§ 981(a)(2), the Defendant’s interest in a sum of
- 17 money in the amount of \$4,731.34 (also known as a forfeiture money judgment) is fully
- 18 and finally forfeited, in its entirety, to the United States.
- 19 2. Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)-(B), this Order of Forfeiture will
- 20 become final as to the Defendant at the time he is sentenced, it will be made part of the
- 21 sentence, and it will be included in the judgment.
- 22 3. No right, title, or interest in the above-identified sum of money in the
- 23 amount of \$4,731.34 exists in any party other than the United States.
- 24 4. Pursuant to Fed. R. Crim. P. 32.2(e), in order to satisfy this Order of
- 25 Forfeiture, in whole or in part, the United States may move to amend this Order, at any
- 26 time, to include substitute property having a value not to exceed \$4,731.34.
- 27

6. The Court will retain jurisdiction in this case for the purpose of enforcing and amending this Order of Forfeiture as necessary.

DATED this 3rd day of July, 2024.

Mr S Casnik

THE HON. ROBERT S. LASNIK
UNITED STATES DISTRICT JUDGE

Presented by:

s/Krista K. Bush

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